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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,585	05/22/2002	John R. Riordan	07039-167002	5671

7590 05/31/2006

Fish & Richardson
60 South Sixth Street Suite 3300
Minneapolis, MN 55402

EXAMINER

PAK, MICHAEL D

ART UNIT	PAPER NUMBER
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1646

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

1. The amendments filed 6 January 2006 has been entered. Claims 1-2, 4-5, and 7-52 have been cancelled. Claims 3, 6, and 53 are pending.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Applicant's arguments filed 6 January 2006 have been fully considered but they are not found persuasive.

Claim Objections

Sequence Rules 37 CFR 1.821-1.825

4. The claims 3 and 53 are objected to because it does not comply with 37 C.F.R. 1.821 (d) which requires a reference to a particular sequence identifier (SEQ ID NO:) be made in the claim wherever a reference is made to that sequence. See M.P.E.P. 2422.04.

The sequences disclosed in claims 3 and 53 should be referenced with the appropriate SEQ ID NO:. Any references to sequences in the specification or the claims should be identified with an appropriate SEQ ID NO:.

Claim Rejections - 35 USC § 112

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5. Claim 53 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for polypeptide comprising any one of SEQ ID NO:1-4, does not reasonably provide enablement for a pharmaceutical composition comprising the polypeptide comprising any one of SEQ ID NO:1-4.. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

The reason for the rejection has been set forth in the previous office action.

The amendment of claim 53 does not remove the preamble claim limitation "pharmaceutical formulation" which requires that the formulation be enabled as a pharmaceutical formulation. As discussed previously there is not nexus between the peptides and the disease treatment. It is suggested that the claims be amended to delete "pharmaceutical" from the "pharmaceutical formulation". Furthermore, it is suggested that the term "polypeptide" in line 3 be replaced with "formulation."

6. Claim 6 is allowed. Claim 3 is objected to for sequence rule error, but would be allowable if rewritten to correct the sequence error.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 8:30 AM to 2:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, can be reached on (571) 272-083.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

A handwritten signature in black ink that reads "Michael D. Pak". The signature is written in a cursive, slightly slanted style.

Michael Pak
Primary Patent Examiner
Art Unit 1646
25 May 2006